

**HOUSE HEALTH & HUMAN RESOURCES COMMITTEE AMENDMENT 1**

**Amendment No. 1 to SB0661**

**Ford J  
Signature of Sponsor**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 661\***

**House Bill No. 740**

By deleting all language following the enacting clause in its entirety and inserting in lieu thereof the following:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 5, is amended by adding Sections 2 through 8 as a new part:

**SECTION 2.**

(a) This act shall be known as the "Newborn Hearing Screening Act of 2001".

(b) The purpose of this part is for the department of health to establish a statewide comprehensive and coordinated interdisciplinary program for identifying newborns with hearing loss and ensuring that they receive the appropriate diagnostic evaluation and follow-up care.

(c) Such program shall coordinate comprehensive services with other state programs such as children's special services, the newborn screening program, Tennessee early intervention services and other related services that will aid in the prevention and treatment of newborns identified with hearing loss. County and municipal health departments and education departments are hereby directed to cooperate with the department of health in carrying out the provisions of this part.

**SECTION 3.**

(a) "Commissioner" means the commissioner of the department of health.

(b) "Department" means the Tennessee department of health.

(c) "Follow-up care" means the "child find, evaluation, service coordination and early intervention services" described in Part C of the federal Individuals with Disabilities

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Education Act (IDEA) and any other appropriate and allowable forms of care available through the Tennessee Early Intervention Services (TEIS).

(d) "Hearing screening" means employing a physiologic screening measurement for identifying whether a newborn has a disorder of the auditory system. Procedures may include auditor brain stem response (ABR) screening or otoacoustic emissions (OAE) screening.

(e) "Newborn" means the period from child birth to thirty (30) days.

(f) "Primary Care Deliverer" means the primary care physician, attending physician, or other person permitted by law to deliver the primary care to a pregnant woman during birth.

(g) "Parent(s)" means natural parent(s), step-parent(s), legal guardian(s), other legal custodian of a child.

(h) "Program" means the newborn infant hearing screening, tracking, and follow-up program established under the maternal and child health section of the Tennessee department of health.

### SECTION 4.

(a) Every primary care deliverer as defined by this part shall assure that hearing screenings are completed on every newborn prior to discharge from the hospital or birthing center; provided, however, that for those hospitals in which seventy-five (75) births or less are performed annually, the primary care deliverer shall refer the newborn to a hospital or other facility in the vicinity that performs the screening.

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(b) For those hospitals in which seventy-six (76) births or more are performed annually, it is required that the appropriate equipment necessary to perform the hearing screening be acquired by July 1, 2003, and that appropriately trained personnel be available to conduct such hearing screening.

(c) The hospital, birthing center, or other facility that performs the hearing screening shall report the results of the hearing screening to the department of health on the lab form designated by the department of health. In the event a birth occurs in a non-hospital or non-birthing center setting, the primary care deliverer shall be responsible for submitting the lab form to the department of health even if the hearing screening was not performed, and shall advise the parent(s) of the need to obtain a hearing screening within thirty (30) days of birth as part of a referral of the newborn to a facility that performs the hearing screening.

(d) The primary care deliverer shall inform the parent(s) of the results of the hearing screening prior to hospital or birthing center discharge unless the screening is performed by another facility in which event the primary care deliverer shall report such findings to the parent(s) as soon as completed. Any newborn who does not pass the hearing screening shall be referred to the newborn's primary care pediatrician and to the department of health for assistance in coordinating further testing, medical management or follow-up care.

(e) The department of health shall be responsible for developing a database on the number of newborns screened, referred for further testing and follow-up care, and confirmed as having a hearing loss.

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(f) Any person providing screening shall be properly trained and appropriately supervised by a state-licensed health care professional.

(g) The department of health is authorized to promulgate rules and regulations to implement the provisions of this part in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 5. For newborns born in non-hospital and non-birthing center settings, the program will provide for hearing screening based upon a reasonable fee to be established by the department under the rulemaking authority provided for by this part.

SECTION 6. Nothing in this part shall preclude a hospital or birthing center from recouping the costs associated with providing the testing program required by this part from the parent(s) of a newborn if the newborn is without health insurance.

SECTION 7. If the parent(s) of the newborn object to the hearing screening on the grounds that such test conflicts with religious tenets and practices, such test shall not be initiated and the parent(s) shall sign a written statement to that effect.

SECTION 8. The commissioner shall have the authority to formalize agreements with agencies in other states to provide services as may be needed.

SECTION 9. For the purposes of promulgation of rules, development of agreements and development of program structure, this act shall take effect July 1, 2001, and for the purpose of mandatory hearing screening, this act will take place on July 1, 2003, the public welfare requiring it.